



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

FEB 17 2010

LR-8J

CERTIFIED MAIL 7009 1680 0000 7666 9870
RETURN RECEIPT REQUESTED

Mr. Gary King
Acting Chief
Bureau of Land
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702-4193

Re: Koch Pipeline Company LP
EPA ID: ILD 984 849 976

Dear Mr. King:

Pursuant to Section 3008(a)(2) of the Resource Conservation and Recovery Act (RCRA), as amended, I am providing notice to you that the U.S. Environmental Protection Agency is preparing to issue an Order under Section 3008(a)(1) to Koch Industries Inc. (Koch), for violations at the Koch Pipeline Company LP facility, located in Hartford, Illinois. The Order is in response to a Self-Disclosure in which Koch addresses violations of the Illinois regulations codified at 35 Illinois Administrative Code (IAC) Part 722 *et seq*; standards applicable to generators of hazardous waste.

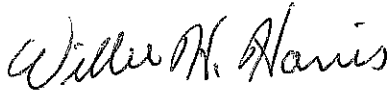
EPA has evaluated Koch's self-disclosure in letters dated July 18, 2008, August 29, 2008 and September 26, 2008, in accordance with EPA policy, "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations," referred to as the "Audit Policy" (see 65 Fed. Reg. 19618, 2000). EPA has determined that, based on the information provided in the documents listed above, Koch's self-disclosure comports with the requirements in EPA's Audit Policy. In reaching this determination, EPA has considered nine criteria in the Audit Policy.

EPA has also determined that Koch received an economic benefit from its disclosed violations. The Audit Policy provides for 100% mitigation of gravity-based penalties for facilities which comply with all nine conditions of the Audit Policy. However, that portion of the penalty which represents the facility's economic gain from non-compliance cannot be mitigated under the Audit Policy. In accordance with Section 3008 of RCRA, 42 U.S.C. § 6928, and the

Environmental Performance Partnership Agreement, this letter provides notice to Illinois Environmental Protection Agency (Illinois EPA) of our intent to file an Order against Koch. We anticipate seeking a monetary penalty as well as any injunctive relief necessary to protect human health and the environment.

If you have any questions regarding this letter, please contact Graciela Scambiaterra, of my staff, at (312) 353-5103.

Sincerely,

A handwritten signature in cursive script, reading "Willie H. Harris".

Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosure

cc: Todd Marvel, Illinois EPA